

NO INJUNCTION YET FOR MARCONI CO.

U. S. Raises Question of Jurisdiction of Court in Censor Troubles.

JUDGE TAKES CASE UNDER ADVISEMENT

Government Holds Defendants Cannot Be Brought Here in Legal Actions.

The United States government took another step yesterday in the legal proceedings arising out of the censorship imposed on the Marconi Wireless Company of America, when the Solicitor General asked to have the motion for an injunction dismissed on the ground that none of the defendants named in the complaint were in the jurisdiction of the Eastern District of New York.

John W. Griggs, the former Attorney General of the United States, who is now the president and counsel of the Marconi company, considered the motion only an attempt to block the proceedings, but Solicitor General Davis argued that it was a precedent which should be established, otherwise government officials and naval and army officers might be summoned to any point in the country to appear as defendants in legal actions.

Judge Van Vechten Veeder will give his decision on the question of jurisdiction this morning at 10 o'clock. If he upholds the motion, and the action is dismissed, it is probable Mr. Griggs will bring action in the state courts; if the motion is rejected, Mr. Griggs will go ahead and apply for the injunction.

When the action came up in the United States District Court in Brook-

lyn yesterday Solicitor General John W. Davis and Assistant Attorney General Warner appeared for the government, as well as Colonel William J. Youngs, United States Attorney for the district, and his assistant, Louis W. Bick.

Mr. Davis immediately moved to dismiss the action on the ground stated, viz., that none of the defendants, Secretary of the Navy Daniels and the four naval officers who have been acting as censors, David L. Hendrick, Penn L. Carroll, Josiah Ogden Hoffman, Jr., and John M. Sylvester, was under the jurisdiction of the court. Being neither residents nor inhabitants of the district, Mr. Griggs replied that he had hoped the government would be willing, in view of the importance of the case, to thrash out the issues, and also made the point that the United States had the right to waive the privilege of being sued at Washington. If it wished, he argued at some length that the presence of the censors amounted to trespass. He also held that as this act of trespass had been committed within the jurisdiction of the court.

In reply the Solicitor General said the government could justify each step it had taken, but it could not take upon itself the responsibility of establishing a precedent whereby its defendants could be summoned to any part of the land in legal actions.

After some argument Judge Veeder agreed to take the matter of jurisdiction under advisement until to-day.

CHARGES STOCK FRAUD.

Holder Says Former Head of Nassau Misrepresented It.

John F. Hitchcock, a stockholder of the Nassau National Bank, filed a suit in the Supreme Court yesterday against the bank and Edward Earl, its president, at the time of the liquidation of the institution, to recover \$12,750, the amount of stocks he bought on the alleged misrepresentation of Mr. Earl. Hitchcock charged in his complaint that the affairs of the bank were mismanaged from November, 1908, when Earl, who had long been its cashier, was made president, until June last, when the assets of the Nassau National Bank

were taken over by the Irving National Bank.

The bank was depleted through the making of bad loans and investments, according to the plaintiff stockholder, the losses amounting to \$1,250,000 from the time Mr. Earl became president to April, 1912, when the bank floated a new stock issue of \$500,000.

GERMANS IN JUST WAR, NAGEL SAYS

Ex-Labor Chief Lauds Teutonic Pluck—Bevy of Singers Arrive.

Charles Nagel, who served as Secretary of Commerce and Labor during the administration of President Taft, arrived here yesterday with his family on the Holland-America steamship Ryndam from Rotterdam.

In July he went over to spend the summer in Switzerland and Germany and did not let the war or the inconvenience of mobilization interfere with his plans. He passed through Germany on his way from France to Switzerland, and after hostilities had been declared left Switzerland and went back into Germany. He said he saw little change in the empire.

The general routine of business went on as usual, he said, and more men were volunteering for service than the General Staff cared to take. Mr. Nagel brought back some favorable impressions of Germany, and expressed the belief that the people had a right to fight in that their right to exist as a nation had been challenged.

"The German people did not want war," he said, but when the international conflict with Russia came they were ready for it.

Alfred Hertz, the conductor of German operas at the Metropolitan Opera House, returned on the Ryndam. He said the report that many of the German singers had gone to the front was wrong, and that perhaps with the exception of Carl Berger, who voluntarily entered the Prussian army, the full complement of Wagnerian soloists would be on hand for the coming season.

Also on board the Ryndam was Dr. Carl Muck, the symphony conductor of the Metropolitan Opera Company, was a passenger on the Italian steamship Regina d'Italia. An impression became prevalent aboard that he was Enrico Caruso, the tenor, and Seguros made no effort to correct it.

The singer said that the Canopic would bring over many soloists leaving Genoa on October 12. He said Bini Gilby, the Algerian baritone, was a prisoner at Prague, Renaud is fighting at Verdun, Rothier at Rheims and that Albert Reiss was a German prisoner in France.

Among the passengers on the steamship Cedric, which sailed yesterday for Liverpool, was Colonel Samuel Hughes, the Canadian Minister of Militia. He is on his way to London to confer with the War Office regarding the dispatching of Canadian troops, and will return to Canada within a few weeks. He said that Canada was ready to send 500,000 men to the front.

The French liner France sailed yesterday for Havre on what, perhaps, will be her last transatlantic crossing for the winter. Captain Poncet, her veteran master, said he had been trying to get a command in either the army or navy, but that his age was against him. On his return he said he would renew his efforts.

Mayor Mitchell, accompanied by his wife, went to the pier to bid good-bye to Mrs. Robert J. Bugues, an American by birth, but who is the wife of an officer in the 102d French Infantry. Her husband is now at the front, and Mrs. Bugues will volunteer as a Red Cross nurse in the French service.

Dr. David Wheeler, of Buffalo, sailed by the same steamship. He is the first American surgeon to respond to the call of the Duchesse of Tallard, who asked assistance for the French medical corps. Mrs. Wheeler accompanied her husband, and will act as a nurse.

FEDERAL RESERVE BYLAWS OUTLINED

Committee Recommends Organization Plans for Banks.

TEMPORARY OFFICES TO BE ESTABLISHED

Regional Members to Formulate Own Rules, Subject to General Requirements.

Temporary offices of the Federal Reserve Bank of New York will be established at 27 Pine st., according to an announcement made yesterday by Pierre Jay, chairman of the board of directors.

To assist the district banks in putting into operation uniform regulations, it is expected that the recommendations of a preliminary committee on organization will be followed. The members are H. Parker Willis, who received about \$4,000 from Congress for drafting the bill which later developed into the Federal Reserve act; Edmund D. Fisher, Andrew A. Benton, O. Howard Wolfe, Joseph A. Broderick, Ralph Dawson and Stephen H. Farnham.

In formulating its suggestions the committee received the co-operation of experts, such as Mr. May, vice-president of the Guaranty Trust Company, in charge of its foreign exchange department; Harry E. Ward and C. C. Robinson, of the Irving National Bank, and Ralph Van Vechten, of the Continental and Commercial National Bank of Chicago.

The committee's report emphasizes the relations between the Federal Reserve Board and the district banks.

The Federal Reserve act leaves the details of organization to be worked out by the directors of the regional banks, subject to the general requirements. The committee, such as Mr. May, vice-president of the Guaranty Trust Company, in charge of its foreign exchange department; Harry E. Ward and C. C. Robinson, of the Irving National Bank, and Ralph Van Vechten, of the Continental and Commercial National Bank of Chicago.

When importations of gold are desired, it is suggested that banks or bankers may be employed to import the metal for the account of a Federal Reserve Bank. In carrying out the gold must be assigned to the Federal Reserve Bank making the advance, and shall be regarded as part of its reserve when in transit.

On the subject of exchange drawn on parties other than banks or bankers shall be negotiated by a Federal Reserve Bank without the indorsement of a member bank. Clean bills of exchange drawn on banks or bankers for periods not to exceed ninety days may be negotiated by a Federal Reserve Bank upon the guarantee of acceptance of a member bank.

The committee also suggests that the Federal Reserve Clearing House be established at Washington, and that each regional bank deposit there all its gold beyond its local needs. As tangible evidence of the ownership of the gold deposited it is proposed to issue certificates in large denominations similar to clearing house currency certificates.

FILMS TO ASSIST "LIFE"

Four Hundred Stage Folk Will Appear in New Play.

William A. Brady's production of "Life," the new melodrama, by Thompson Buchanan, will be made at the Manhattan Opera House, on Monday, October 12. The undertaking will present a number of features which have never been attempted upon the stage, among them the employment of moving pictures sandwiching the scenes of the different acts, showing the movement of the story between the episodes depicted in the spoken drama.

There are twenty-one scenes, eighty-two speaking parts and four hundred persons on the stage at all told. The company includes Kathleen MacDonnell, Leonora Harris, Mrs. Stuart Robson, Josephine Drake, Jane Corcoran, Lillian Page, Lois Arnold, Jane Miller, Mary Evelyn Jones, Phyllis Thatcher, Rita Heller, Beatrice Bentley, Bess Arlington, John Bowers, Ralph Stuart, Walter Hampden, Frazer Coulter, Sheldon Lewis, Dion Leher, Lynn Hammond, Frank Hatch, Edgingham Pinto, Tom Maguire, Joseph M. Lothian, Richard I. Scott, Walter D. Greene, Clarence Rockefeller, Forrest Zimmer, John Dwyer, Ben Hendricks, Fred T. Fairbanks, Hugh Nixon, Philip Dunning, Ernest Mack, William Parke, Jr., Edwin Thompson and others. The scenery has been painted in the studios of John Young and H. Robert Law, with construction by Harry Lincoln.

MELLEN DEFENDS BILLARD DEAL

Continued from page 1

the Billard-Mellen-Robbins group, returned to Hartford to-night, and reported that though they have been two days on the task they still have under attack less than \$1,000,000 of property of the seven defendants.

In addition to what realty and stocks they discovered in Meriden yesterday belonging to John L. Billard and Charles F. Linsley, of Meriden, to-day they attacked Billard's holdings in the Meriden City Gas Light Company and the Meriden Electric Light Company. Going to New Haven, their first move was to attach the residences of the five New Haven defendants—Charles S. Mellen, Edward D. Robbins, Samuel C. Morehouse, Samuel Hemingway and Henry V. Whipple.

"I cannot understand why I am included in the suit," said Robbins to-night. "I have not been served yet. I am neither a stockholder nor director of the Billard company, and once only acted as legal adviser in a matter entirely apart from the Boston & Maine dealings with the Billard company."

"It is apparent the Interstate Commerce Commission is pressing the suit with the idea if they win, all right, and if they don't they are right, too. The whole point is if the \$25 a share profit belongs to Mr. Billard."

Homer S. Cummings, of Stamford, counsel for Billard, Hemingway and Linsley, said to-night:

"Mr. Linsley and Mr. Hemingway are connected with the suit only in a formal way, as they were directors only of the Billard company and had no pecuniary interest at any time. Mr. Billard courts the fullest inquiry into the truth of his assertions about those transactions."

Death Causes Xmas Pause.

The death of Milton P. Bagg, president of the Santa Claus Association, has caused a postponement of the national meeting of the organization from Wednesday till the first week in November. The association, which has headquarters at 247 Fifth av., has 22,000 members in New York City.

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350 Fulton St., Jamaica.

DUKE A THIEF, DUCHESS AVERS

Continued from page 1

and charged with what we here call disorderly conduct.

"I tried to give bail for the duke. It was refused, and I was told to go to the police headquarters the next morning. The duke was sentenced to eight days. I protested against this, and to get to the root of the affair sought the chief of police to learn why such severe action had been taken."

"On my introducing myself to the chief he told me the situation was far more serious than he had expected. Looking over the records, as is customary, to learn if the prisoner had been concerned in other illegal acts, he had found something. Would I look at it?"

Description Fitted Duke.

"It was a circular issued by the Paris police, asking for the apprehension of one Arturo Durazzo. The description fitted the duke skin-tight. It appeared that the duke had been employed in a confidential capacity, as cashier, by the Hotel Richemond, Paris, and had had full charge of the cash and paper securities. The circular continued to say that on April 11, 1912, the duke had been arrested in cash and \$1,000 in negotiable bonds from Cornet and lost the money gambling, and that the next day the hotel man made the discovery."

"The circular added that Cornet had told the police, and that when an indictment was voted the duke skipped out before he could be arrested. In accordance with the French practice, the duke, though he had fled, was convicted and sentenced to serve three years on his return to France."

"I said I could not believe it, and, certain of the duke's innocence, I felt that, despite the accuracy of the description, the guilty man was not my brother-in-law. But when I went to my cell and asked him about it he brooded me by confessing."

"I decided to stand by him for reasons unnecessary to detail. Besides, he had, I told me, returned the bonds soon after the theft and had made good the currency larceny when he borrowed the \$500 from me in New York. He had cabled the money to his cousin to be turned over to Cornet. So I retained a good lawyer."

"I told my wife of this, and we agreed it was wise to hold the truth from the duchess, thinking I could have the matter disposed of quietly by having the Paris court suspend sentence. But my sister, after two weeks saw the duke still in jail, refused to accept my explanation that in Monaco it was customary to hold for several weeks a prisoner on guilty grounds, and got permission to bring the duke to Paris in the custody of two private officers."

"When it was explained that restitution had been made, the court seemed to be deeply moved. Instead of suspending sentence, it modified the sentence to six months, in consideration of the time already spent in jail at Monaco and Nice. Again we pleaded, and the duke's release was ordered with the provision that he must serve

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the six months if his conduct were not good for the next three years. "Meanwhile, my sister had returned to the United States. She left Monte Carlo in June and made her home with my brother in Connecticut, keeping the fact of her return from her friends. "On the day of the duke's arrest he asked permission to see Mrs. Hanan and me. I granted it, and greeted him as if all was right. He told me he would not oppose my move of my sister to have the marriage annulled. Our conversation was pleasant. I gave him some money, but advised him to stay away from this country on July 11. We sailed on July 15. Soon after reaching our home at Narragansett Pier the duke called on us and implored us to use our offices to induce the duchess to take him back. Of course, he failed.

"Somehow he learned where the duchess was. She was sitting on the piazza of my brother's country home. He surrounded and ordered him away. He cried, and on his knees begged her to let the past slip from her memory. He went away unsuccessful. He came twice more, taking quarters at a nearby hotel. The third time he was forced away by a detective who had engaged.

"Despite what he had been and the deceit of which he had made us victims he had our sympathy. He continued to write to the duchess, but she was through with him and sent no replies. Through her attorney she kept him supplied with money."

"For a short time my sister, through her father, sent him no money. Thinking he had lost his allowance for good he came to me and offered to 'settle' for \$50,000. That suggestion I made in a letter to my sister, hinting that she did not want the situation to become public. Indignantly my sister replied, 'I don't fear publicity. I'll never give you another cent.' And she brought this suit."

"Soon after the duke was served he sent a letter to Mrs. Hanan, in which the old friendship I feel, it is my duty to tell you that, if this case is to be pushed to the extreme limit it will be very annoying, for the scandal which will be exposed by such one who has been connected with this unfortunate marriage."

WAR TAX BILL TO SENATE TO-DAY

Levy on Brokers Killed—Graduated Imposit on Cigarette Makers—Estimate, \$108,000,000.

(From The Tribune Bureau.)

Washington, Oct. 7.—The revision of the war revenue bill was completed by the Democratic caucus of the Senate to-night. The measure will be reported back to the Senate to-morrow, when general debate will begin. Senator Simmons, chairman of the Finance Committee, expressed the hope to-night that the bill would be passed within a week. It is probable, however, that it will be ready for the signature of the President before October 17.

Majority members of the Finance Committee estimate that the revised bill will produce an additional revenue of \$108,000,000. The result will depend largely on the production of beer, which bears the greater burden of the tax. Within the last two months the production of beer has fallen off, and a further decrease it is probable that the additional revenue to be collected will fall short of the estimate.

The caucus to-day came to the rescue of the brokers, already hard hit by the suspension of exchanges, by striking from the bill the proposed tax on them of \$50. It was expected that this tax would produce \$500,000. The caucus also cut the tax on sleeping car tickets to one cent, and modified the tax on real estate conveyance to make it applicable only to the actual value or equity conveyed.

On motion of Senator O'Gorman, the Finance Committee was instructed to attach a graduated tax on the manufacturers of cigarettes according to the quantity produced, as in the case of cigars. The tax will probably range from \$8 to \$96. The tax on sweet wines was also left open.

Senator Pomeroy made a strenuous effort to induce the caucus to place a tax on brandies used to fortify the wine, but no final action was taken. A proposal to impose a stamp tax on checks was rejected. When the bill is reported to the Senate to-morrow Congress will see the beginning of the end of its long labor. Democratic leaders are prepared to hold night sessions to exhaust debate on the measure, but such a course of action will probably be unnecessary unless further discussion develops in the ranks of the majority itself.

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ACTOR PLANS A LOFTY DOMICILE

Donald Brian to Live in "Bungalow" Twenty Stories Above the Street.

Cliff dwelling has always been regarded as a relic of the stone age, and the fact that there are indications of a return to it might be taken to indicate that the world is retrograding. Modern civilization is saved that stigma, however, by the fact that New York, in adopting the ways of the ancients, has improved on them considerably.

Following several false alarms, the roof of a skyscraper is to be used for living quarters. Donald Brian, the actor, is going to have a bungalow twenty stories above the turmoil of 42d st., although perhaps it should be called a bungalow. At any rate, he's going to have it.

Mr. Brian's quarters, according to announcement by the real estate agents, will consist of five rooms and a summer garden—the whole known as a "bungalow apartment"—on the roof of the office building at 18 East 41st st. His example, it is hoped, will encourage others to do likewise and possibly make New York a city difficult to reach by method other than acroplane.

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Yawger Lead Out to One Vote.

The majority of five votes which the official returns on the night of the primary showed John F. Yawger had gained over Franklin Brooks for member of the Republican State Committee from the 17th District was reduced to a majority of one when the recount of the ballots was finished in the Supreme Court yesterday.

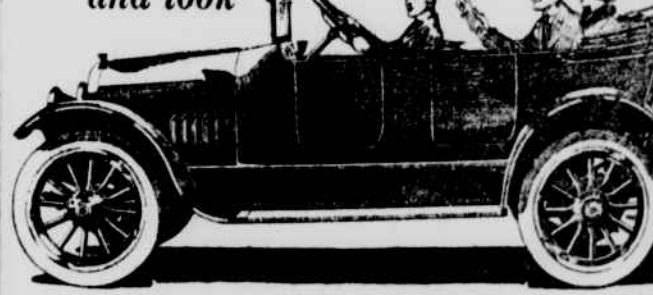
The recount showed 748 for Yawger, and 747 for Brooks. Brooks took exception to the ruling of Justice Donnelly on some of the defective ballots, and will appeal to the Appellate Division.

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